

### **III. REMARKS**

In the Office Action, claims 1-3 and 5-10 were rejected under 35 U.S.C. 102 as being anticipated by Bass (US 6,041,319), and claim 4 was rejected under 35 U.S.C. 103 as being unpatentable over Bass for reasons set forth in the Action.

The claims are being submitted without amendment except for amendments to claims 9 and 10 for clarification of the claim language.

With respect to the rejections under 35 U.S.C. 102 and 103, the following argument is presented to distinguish the claimed subject matter from the teachings of the cited art, thereby to overcome the rejections and to show the presence of allowable subject matter in the claims.

The examiner has cited paragraphs in Bass that describe postal equipment employing a computer in conjunction with a memory, wherein the memory stores data relating to postage. The cited passages in Bass also describe the updating of data in a memory by use of a modem connected via a communication system to a source of the data.

However, Bass does not teach subject matter set forth in the present claims.

For example, claim 1 describes a device alerting to the expiration of tariffs for a franking system, wherein the device is said to have a first table of postal tariffs and a second table of postal tariffs, plus a processing unit having means for comparing the postal tariffs of the first and second tables for emitting to the operator of the franking system a message. The message serves as an alert to the expiration of tariffs. The claim states a condition for the alert, namely, when a date of application of the postal tariffs of the second table is identical to or earlier than a desired date of franking and when one of the compared postal tariffs has been changed.

In similar fashion, claim 5 describes a process for alerting to the expiration of tariffs for a franking system, wherein the franking system is said to comprise a RAM for recording

postal data and a processing unit for updating these postal data. Further, the claim states that steps of the process are to be applied when a date of application of new postal data previously loaded in the franking system is identical to or earlier than a franking date desired by an operator of the franking system. Claim 5 calls for a step of comparison of the new postal data with current postal data present in the RAM, and a further step for emission of a message to the operator of the franking system alerting to the expiration of tariffs if one of the compared postal data has been changed.

The analysis of Bass by the examiner indicates that the Bass equipment might be able to perform parts of the present invention. Indeed, it is known that computers can be programmed to perform mathematical operations, operations for the modification of photographs, and operations in the composition of music, by way of example. Thus, the fact that a computer plus memory may be present in the Bass postage equipment provides no information or suggestion as to what task is being performed in the postage equipment, other than the specific task actually described in the Bass patent.

Upon comparing the Bass teachings with the description of the present invention set forth in present claim 1, it is observed that Bass fails to describe (1) the two sets of tabulated data, (2) the date of application of said postal tariffs in each of the data tables, (3) the comparing of the postal tariffs of the first and second tables, and (4) the emitting to the operator of the franking system a message alerting to the expiration of tariffs when a date of application of said postal tariffs of said second table is identical to or earlier than a desired date of franking and when one of said compared postal tariffs has been changed.

Upon comparing the Bass teachings with the description of the present invention set forth in present independent claim 5, it is observed that Bass fails to describe (1) the date of application of new postal data previously loaded into the franking system, (2) a franking date desired by an operator of the franking system, wherein the new postal data is identical to or earlier than the franking date desired by the operator, (3) the comparing of the new postal data with current postal data present in the RAM, and (4)

the emitting to the operator of the franking system a message alerting to the expiration of tariffs if one of the compared postal data has been changed.

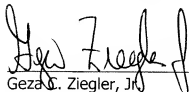
In the method of Bass, for updating postal tariffs in a postal scale, the Bass system automatically connects the scale to a provider of the postage, upon a changing of the postal rates, and proceeds to update a single table of the scale. In particular, it is noted that the Bass apparatus and methodology employs only a single table for the storage of postage data. This teaching of Bass contradicts the presently claimed subject matter, as may be seen by consideration of claims 2, 3 and 4, by way of example, wherein the claimed subject matter deals with a first table of postal tariffs, a second table of postal tariffs, and a loading of postal tariffs into the second table. There can be no anticipation or suggestion of the plural table arrangement of the presently claimed subject matter in the teaching of Bass which deals with only a single table.

It urged, that while the teaching of Bass relates to the updating of data stored in postal equipment, the teaching fails to disclose specific details of the subject matter set forth in the present independent claims and, therefore, cannot serve as an adequate basis for rejection of the present claims. Various ones of the present dependent claims recite limitations which, also, are not taught by Bass. Accordingly, it is believed that the foregoing argument has overcome the grounds of rejection to show the presence of allowable subject matter in the claims.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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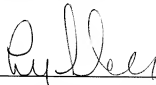
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